

1 GILADI

2 crystal ball

3 Q. Approximately how much can you lift
4 with your right hand?

5 A. As I said -- weight, don't ask me, I
6 cannot tell you.

7 Q. The restrictions you have with lifting
8 are because of your back?

9 A. What kind of restrictions are you
10 talking about?

11 Q. What you are referring to that you
12 can't lift heavy items. Is that because of your
13 back?

14 A. There is some stuff that I cannot carry
15 because of my back. There are items I can't carry
16 because of my left hand.

17 Q. Which is which?

18 A. 50-pound barrel or anything like that,
19 it's because of my back. If you are talking about
20 a heavy book, this is with regard to my left hand.
21 I gave you the answer, I don't know what you are
22 waiting for.

23 Q. So if it weighs 50 pounds or more, you
24 can't lift it because of your back?

25 A. No, this was an example, you asked me

1 GILADI

2 For example, I gave an example with extreme between
3 one to another

4 Q. So then, something that weighs less
5 than 50 pounds would still be a problem for your
6 back?

7 A. It will be a problem, but -- but still
8 stuff that I can, I cannot do, because of my back,
9 I cannot do also, I cannot do also for my left
10 elbow, but stuff that I can do for my back, I
11 cannot do for my left hand.

12 Q. If you were going to describe to
13 somebody the limitations of your lifting that the
14 back creates for you, how would you describe it?

15 MR. DINHOFER: I think he just did.

16 A. I did it three or four times through
17 this deposition.

18 MR. DINHOFER: Asked and answered.

19 A. (Continuing) I think we are going to
20 repeat the same thing.

21 Q. So you have no further information in
22 terms of the problem lifting with your back than
23 you have described already.

24 A. I described it, I think, the best that
25 I can. Maybe I, somebody else can explain better,

1 GILADI

2 but the way I can explain is the best I can explain
3 it.

4 Q. Do you have any better way of
5 explaining the degree of limitations of your left
6 hand, other than what you have told me so far?

7 A. I think it's the best way I can at the
8 moment.

9 Q. Or any other examples of things that
10 you are unable to lift, other than what you have
11 told me so far, and now I am talking about your
12 left arm?

13 A. I am talking about my left hand. I
14 think by giving you the example of a heavy book,
15 this meaning that anything -- more than that, is
16 going to cause a problem.

17 Q. When something heavier, for example,
18 that a heavy book causes a problem, how long does
19 the problem typically last?

20 A. I do not know because I don't do it.

21 Q. When you lift something heavy with your
22 left hand, or you try to lift something heavy with
23 your left hand, what happens?

24 A. As I said, I don't do it.

25 Q. So you don't know?

1 GILADI

2 A. At the moment, no, I know what happened
3 before.

4 Q. What happened before?

5 A. I injured my back.

6 Q. In the last five years, if you have
7 listed something with your left hand, that was
8 objectively or subjectively heavy, what happens?

9 A. As I said --

10 Q. You haven't done that?

11 A. I may have done it, I do not recall at
12 the moment, but -- for the period of time that I
13 can remember, I did not do it.

14 Q. Are you right-handed or left-handed?

15 A. I am both hands.

16 Q. Ambidextrous?

17 A. Yes.

18 Q. Are you able to write with your left
19 hand?

20 A. Yes.

21 Q. Can you type with your left hand?

22 A. At the moment? I am not talking, you
23 are talking about --

24 Q. I am talking about over the last five
25 years, have you been able to type with your left

1 GILADI

2 hand?

3 A. Mostly I am typing with my right hand
4 with my finger.

5 Q. Are you able to type with your left
6 hand with one finger or more than one fingers?

7 A. I used to.

8 Q. When was the last time you were able
9 to?

10 A. When I realized that it's causing me
11 trouble.

12 Q. When was that?

13 A. I think when I was trying to work on
14 the computer, studying for my, when I was.

15 Q. GMAT?

16 A. Yes.

17 Q. Up until that point you were able to
18 type with your left hand?

19 A. I -- I was, most of the time I was
20 working with my right hand, as I said before, with
21 the GMAT, with the exam, I had to work two fingers,
22 that's why, this is the only time I was able to, I
23 decided to use my left hand, and this was causing
24 me trouble and I stopped.

25 Q. Why did you have to use both hands for

1 GILADI

2 the computer for the GMAT?

3 A. Because I need to hold the book and
4 sometimes I need to do the other things, so one
5 hand gets tired.

6 Q. So you were either holding the book or
7 typing with your left hand or both?

8 A. That's what I was trying to do.

9 Q. What happened when you did that?

10 A. I have pain.

11 Q. And the pain was at your wrist?

12 A. No, the pain was elbow and wrist. Just
13 to be clear, the elbow.

14 MR. DINHOFFER: No, no, no. You
15 answered his question, stop.

16 THE WITNESS: I stop.

17 Q. Do you have any videotapes of you
18 playing with your nieces and nephews?

19 A. Not that I recall.

20 Q. Or the children that you, friends that
21 you live with at the moment?

22 A. No.

23 Q. Do you have any plans to return to
24 Israel?

25 A. I do not know what I am going to do

1 GILADI

2 tomorrow, so I cannot tell you what I am doing, no.

3 Q. Do you currently have any reservation
4 on an airline to return to Israel?

5 A. At the moment?

6 Q. Yes.

7 A. I have a reservation.

8 Q. When is that for?

9 A. I believe it's -- I believe on the
10 27th, at night.

11 Q. When is your return reservation?

12 A. What do you mean?

13 Q. Do you have a reservation to return to
14 New York from Israel?

15 A. Not at the moment.

16 Q. What airline are you flying?

17 A. I believe -- this time?

18 Q. Yes.

19 A. I am going El Al.

20 Q. Do you have any plans for how long you
21 expect to be in Israel?

22 A. No.

23 Q. Do you have any medical appointments
24 scheduled in Israel?

25 A. Not at the moment.

1 GILADI

2 Q. Do you plan to have any medical
3 appointments while you are in Israel?

4 A. I do not know.

5 Q. At the moment you have no plans?

6 A. No.

7 Q. When was the last time you were seen by
8 a doctor for your elbow or wrist?

9 A. October.

10 Q. Of this October?

11 A. Of this year.

12 Q. That was Dr. Russo?

13 A. Yes.

14 Q. And that was in Israel?

15 A. Yes.

16 Q. What happened during that visit?

17 A. He examined me. He asked me questions,
18 he examined me --

19 Q. What questions did he ask you?

20 A. How I feel, what bothers me.

21 MR. DINHOFFER: Note my objection to
22 hearsay.

23 Q. When he asked you how you were doing,
24 what did you tell him?

25 A. Not good.

1 GILADI

2 Q. In what way?

3 A. Pain.

4 Q. Where?

5 A. Elbow. I told him about the elbow, I
6 told him the wrist, I told him that my function
7 with my hand is very limited. I told him about the
8 weakness.

9 Q. How did you describe the function of
10 your hand to Dr. Russo?

11 A. I cannot do what I used to do ten years
12 ago.

13 Q. Did you tell him anything other than
14 what you told me here today?

15 A. No.

16 Q. How did you describe the weakness to
17 Dr. Russo?

18 A. I cannot do things that I used to do
19 before.

20 Q. Such as what?

21 A. I told you up to now.

22 Q. That's playing with your nieces and
23 nephews?

24 A. I did not go to complain with nieces
25 and nephews, I said I cannot carry heavy stuff.

1 GILADI

2 Q. The stuff like that is what I am
3 looking for.

4 A. I cannot carry, I cannot lift, I
5 cannot --

6 Q. You cannot carry?

7 A. My hand is weak, my hand is weak I told
8 him. I did not go to really big details with him
9 on this issue.

10 Q. Did Dr. Russo undertake any kind of
11 tests to judge the weakness in your hand?

12 A. He did some examination.

13 Q. What did he do?

14 A. He took something and tried to -- told
15 me to squeeze the fingers and to see how -- if he
16 can pull the piece of paper between my fingers.

17 Q. Anything else?

18 A. I do not recall exactly examination, it
19 was painful and I -- it was painful, I was more
20 concerned with the pain than with the examination.

21 Q. Do you recall anything else that he did
22 during the examination?

23 A. As I said, I was -- I was more
24 concentrated with the pain than with the
25 examination.

1 GILADI

2 Q. Did he give you a prognosis?

3 A. He told me that I am not doing too
4 well. I am better than when he saw me first, but I
5 am not doing very well.

6 Q. In what way were you better than at
7 first?

8 A. I do not know. You have to talk to
9 him.

10 MR. BURFORD: Off the record.

11 (Whereupon, a discussion was held off
12 the record).

13 Q. Did he make any recommendations to you?

14 A. If he made a recommendation? Not
15 really. There is not a lot to do.

16 Q. Did he recommend any medication or
17 further surgery or therapy?

18 A. As I said, I don't think there is
19 anything -- anything to do to improve the
20 situation.

21 Q. I am not asking you what you think, I
22 am asking you what he said.

23 A. What he told me --

24 MR. DINHOFER: What he said is hearsay
25 and I'll object to it, but you can answer the

1 GILADI

2 question over objection.

3 A. (Continuing) what he told me, he told
4 me that he wish that Dr. Strauch, on my first time,
5 I told him that I am having problem with my hand,
6 take me back to the operating room to open the
7 elbow and to find out the problem. If this was
8 occur, and the surgery was being explored and
9 evaluated, and the medical care necessary at the
10 time was being given, my condition could be much
11 better. But because of the delay with time, I am
12 having what I am having today. Between talking the
13 delay with time between surgeries.

14 Q. Over the last five years, how often
15 have you seen Dr. Russo?

16 A. I really don't know.

17 Q. Do you have a recollection of seeing
18 him more than the visit we just discussed?

19 A. I saw him before that, yes. I saw him
20 in April of '9 -- sorry, I saw him in April of 1994
21 when he did the surgery, I saw him after that, I
22 think, in May, and follow, following to that, I saw
23 him a few times, I cannot give you exactly the
24 detail.

25 Q. When was the last time you saw

1 GILADI

2 Dr. Goldstein?

3 A. Dr. Goldstein -- maybe two years ago.

4 Q. Other than Dr. Russo and Dr. Goldstein,
5 have you seen anyone else for your elbow or your
6 wrist, within the last five years?

7 A. Not that I recall.

8 Q. When you last saw Dr. Goldstein, did he
9 make any recommendations for further treatment?

10 A. Dr. Goldstein was more for my back than
11 for my hand. He saw my hand on a few occasions,
12 but really he was not concentrating on my hand, he
13 was concentrating on my back.

14 Q. Did he make any recommendations about
15 your hand or your elbow?

16 A. The only thing that ever, that
17 Dr. Goldstein told me, that -- my left hand is -- a
18 problem.

19 Q. Did he say in what sense it was a
20 problem?

21 MR. DINHOFFER: Again, I am objecting
22 to the hearsay, he can answer.

23 A. Not that I recall.

24 Q. Do you do any chores around your house?

25 A. What?

1 GILADI

2 Q. On Wedgewood Road. Do you do any
3 household chores, cleaning, cooking, cutting the
4 grass or anything like that?

5 A. No.

6 Q. In the last five years, have you looked
7 for work in Israel?

8 A. No. I am an American.

9 Q. Do you maintain your Israeli
10 citizenship?

11 A. By law, I have to.

12 Q. Do you have any obligations to the
13 Israeli military?

14 A. At the moment, no.

15 Q. Do you anticipate any?

16 A. No. I am out of the country more than
17 two years. As long as I live in United States, no.

18 Q. The brace that you are wearing on your
19 arm today, do you have one brace or more than one
20 brace that you wear?

21 A. I usually have two. Depends on my
22 condition. At the moment, I have problem with my
23 left more than my right, so I am wearing it on the
24 left.

25 Q. With respect to the left arm, is it

1 GILADI

2 just one brace that you have or do you have more
3 than one brace for your left arm?

4 A. No, I have brace that usually I put,
5 not usually, but when I have a lot of pain I put it
6 at night to prevent any, any injury to the elbow.

7 Q. Who provided you with that brace?

8 A. It's when I got it at Einstein.

9 Q. Einstein provided it?

10 A. Yes, Einstein, I received it from
11 Einstein. The prescription, I do not recall who
12 gave it to me.

13 Q. Do you remember what office, or who at
14 Einstein provided you with the brace?

15 A. I believe the -- no, not really.

16 Q. Was it physical therapy department or
17 something else?

18 A. It could be.

19 Q. The brace that you are wearing today,
20 was that also provided at Einstein?

21 A. That I am wearing on my hand today?

22 Q. Yes.

23 A. No.

24 Q. Do you have any recollection of where
25 you got that brace?

GILADI

1

2

A. Pharmacy, I believe.

3

Q. Did any doctor prescribe that type of

4

brace?

5

MR. DINHOFFER: Note my objection.

6

Asked and answered.

7

A. I believe I didn't do it on my own.

8

Q. Do you have any recollection of what

9

doctor prescribed the brace for you?

10

A. I do not.

11

Q. Or told you what type of brace you

12

should wear?

13

A. I do not. I do not recall what I was

14

being told.

15

Q. Have you seen, in the last five years,

16

any psychiatrists or psychologists?

17

A. No.

18

Q. No?

19

A. No.

20

MR. DINHOFFER: Hold on.

21

THE WITNESS: I took psychiatry

22

courses.

23

Q. Have you had, in the last five years,

24

any EMGs?

25

A. I may.